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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Daniel P. Topp
TITLE : APPARATUS FOR ERADICATING PESTS
APPLICATION NO. : 10/651,583
FILING DATE : August 29, 2003
EXAMINER : David J. Parsley
ART UNIT : 3643

TO: Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

* * * * *

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop - AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on January 13, 2005.

13 JANUARY 2005

Date

Mark A. Garzia
Mark A. Garzia

* * * * *

**TRANSMITTAL LETTER ACCOMPANYING
REPLY AND AMENDMENT TO FINAL OFFICE ACTION**

Dear Sir:

Transmitted herewith is a Reply and Amendment to Final Office Action (22 pgs.) that is

responsive to the outstanding Office Action in the above-captioned application.

☒ Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☐ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$110.00	\$ 55.00
<input type="checkbox"/> 2 Months	\$420.00	\$210.00
<input type="checkbox"/> 3 Months	\$950.00	\$475.00
<input type="checkbox"/> 4 Months	\$1,480.00	\$740.00
<input type="checkbox"/> 5 Months	\$2,010.00	\$1,005.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ Fee Transmittal for FY2005 – Form PTO/SB/17 (1 pg.) is enclosed.

☒ A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

☒ Other

☒ Declaration Under 37 CFR §1.132 of Jeffrey S. Helmes (5 pgs.) is enclosed.

☐ Figure ____ with amendments marked in red ink. (1 pg.) is enclosed.

☒ No additional claim fee is required.

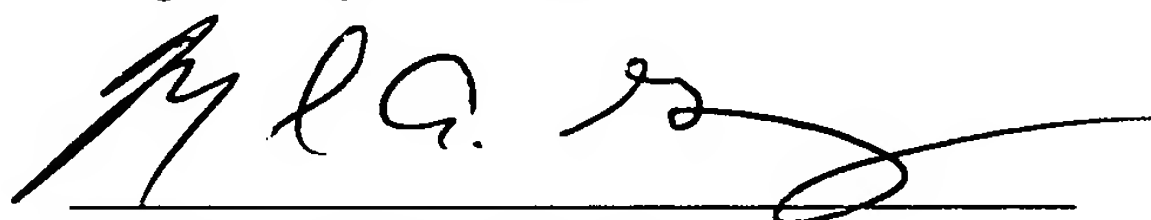
☐ Please charge my Deposit Account No. _____ in the amount of \$_____. Two copies of this transmittal are attached.

☐ Check No. _____ in the amount of \$____.00 to cover the extension fee is enclosed.

☐ The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.

☐ Credit Card Payment Form PTO-2038 in the amount of \$484.00 (\$475 for Extension of Time and \$9 for extra claim) is enclosed to cover the fee due.

Respectfully submitted,

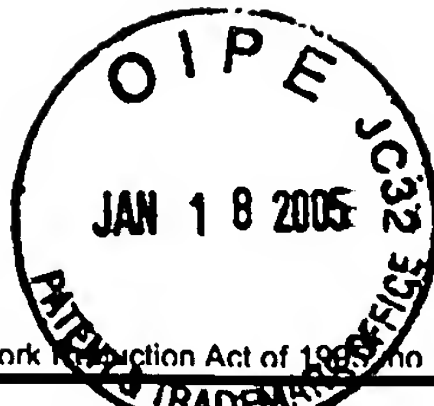


Mark A. Garzia, Esquire
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13 JANUARY 2005

Date

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Effective 08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	10/651,583
Filing Date	August 29, 2003
First Named Inventor	Daniel P. Topp
Examiner Name	David J. Pasley
Art Unit	3643
Attorney Docket No.	TOPP-P7.1-US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
21 - 20 or HP =	0	0	0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
3 - 3 or HP =	0	0	0

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims		Fee (\$)	Fee Paid (\$)
		0	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 0.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,517	Telephone 610.485.9400
Name (Print/Type)	Mark A. Garzia		Date January 13, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Commissioner for Patents
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REPLY AND AMENDMENT TO FINAL OFFICE ACTION

Dear Sirs:

This Reply and Amendment is responsive to an Office Action dated October 13, 2004, in the above-captioned application. The Office Action was made final and set a shortened statutory period for response that expires on January 13, 2005.

Please amend the application as follows: